

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARY M. HEWITT,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,¹

Defendant.

CV 17-145-BLG-TJC

ORDER

John E. Seidlitz, Jr., counsel for Plaintiff Mary M. Hewitt, has filed an unopposed motion for attorney fees pursuant to 42 U.S.C. § 406(b). (Doc. 19.) Mr. Seidlitz requests attorney fees in the amount of \$5,219.75. The Commissioner has no objection to the motion.

On December 17, 2020, the Court reversed and remanded the Commissioner's final decision for further administrative proceeding. Plaintiff subsequently prevailed on remand, and was awarded total past-due benefits in the amount of \$44,879.00. (*Id.* at ¶ 15.) Mr. Seidlitz requests \$5,219.75, which represents less than 12% of the award, for the direct payment of attorney fees.

¹ Kilolo Kijakazi is substituted for Commissioner Andrew Saul pursuant to Federal Rule of Civil Procedure 25(d).

The governing law, 42 U.S.C. § 406(b)(1)(A), limits the recovery of attorney fees to no more than 25% of past-due benefits. The Court finds the \$5,219.75 award is within the 25% limit imposed under §406(b)(1)(A). The Court further finds that the award is reasonable.

Accordingly, IT IS HEREBY ORDERED that motion for attorney fees is GRANTED. Pursuant to 42 U.S.C. § 406(b)(1)(A), the Court authorizes payment of attorney's fees in the amount of \$5,219.75 to Plaintiff's attorney, John E. Seidlitz, Jr.

DATED this 9th day of June, 2022.



TIMOTHY J. CAVAN
United States Magistrate Judge